

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DONNIE E. AND DELORES A. LOWERY	)	
	)	
COMPLAINANTS	)	
	)	
v.	)	CASE NO. 2005-00544
	)	
JESSAMINE-SOUTH ELKHORN	)	
WATER DISTRICT	)	
	)	
DEFENDANT	)	

ORDER TO SATISFY OR ANSWER

Jessamine-South Elkhorn Water District ("South Elkhorn") is hereby notified that it has been named as defendant in a formal complaint filed on December 19, 2005, a copy of which is attached hereto.


Pursuant to 807 KAR 5:001, Section 12, South Elkhorn is HEREBY ORDERED to satisfy the matters complained of or file a written answer to the complaint within 10 days from the date of service of this Order.

Should documents of any kind be filed with the Commission in the course of this proceeding, the documents shall also be served on all parties of record.

Done at Frankfort, Kentucky, this 4<sup>th</sup> day of January, 2006.

ATTEST

By the Commission

  
\_\_\_\_\_  
Executive Director

\$

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the matter of:

DONNIE Easley and Delores ANNE Lowery  
(Your Full Name)

COMPLAINANT

VS.

South Elkhorn Water (Jessamine)  
(Name of Utility)

DEFENDANT

RECEIVED

DEC 19 2005

PUBLIC SERVICE  
COMMISSION

Case No. 2005-00544

COMPLAINT

The complaint of DONNIE Easley Lowery  
(Your Full Name) respectfully shows:

(a) Delores ANNE Lowery  
(Your Full Name)

2625 Chrisman Mill Rd, Nicholasville, Ky 40354  
(Your Address)

(b) South Elkhorn Water (Jessamine)  
(Name of Utility)

117 S. Main St. Nicholasville, Ky 40356  
(Address of Utility) (859) 881-0589

(c) That: CSEE - other - Paper-inserted  
(Describe here, attaching additional sheets if necessary,

the specific act, fully and clearly, or facts that are the reason

and basis for the complaint.)

Continued on Next Page

In October, 2005 South Elkorn Water Co. confirmed they would furnish us water to our home on Chrisman Mill Road, Nicholasville, Ky.. South Elkor's water line runs on the other side of Chrisman Mill Rd. from our home. They (Tommy Smith) informed our plumber (Steve Stevenson) that they would furnish the water. So Mr. Stevenson began digging and laying the pipe-line from the road to our home (approximately 500 - 600 foot) and has covered almost all of the pipe up except where it comes into our home. Mr. Smith also informed us of a \$650 tap on fee- plumbers permit (to be gotten at Health Dept) and since the city was the one who had the right-of-way on our side of the road (Lowry farm) the city had to write a letter stating they would permit them to furnish us water. Danny Johnson and Tom Cochran of the City Water said it was okay. Mr. Johnson was the one who talked to Mr. Tom Smith. South Elkorn was also informed that the City would furnish them with the necessary papers. (giving them the easement) After all that had been done, Mr. Smith called and told me (Mrs. Lowery) that they were not going to let us have the water at this time. I believe there has been a couple of meetings on this matter by both water companies and to my understanding everyone was in agreement (both Companies) to let us have the water from South Elkorn .... until the very last a Mr. Bruce Smith (an attorney for South Elkorn) caused some turmoil and that was that. There is NO earthly reason why South Elkorn cannot keep their word... We have lived here since March 17, 2005., we live on a fixed income, my husband is an amputee and is disabled, we are out our monies for the plumber and still have no water.. We could get it from the city but would have to dig and lay MORE pipe - line about 1500 ft. and a \$800 tap on fee.. We do NOT understand what the problem is. We did everything exactly as Mr. T. Smith told us to do .. Unless for some reason there is a grudge for something that has happened in the past. If there is my husband and I have not been a party to it. South Elkorn should be made to keep their word.

address: 2035 Chrisman Mill Rd.  
Nicholasville, Ky  
40356

Donnie E. Lowery  
Delores Anne Lowery

Formal Complaint

Donnie Early & Delores Anne Lourey vs. Jessamine South Elkhorn Water District

Page 2 of 2

Wherefore, complainant asks that South Elkhorn fulfill their  
(Specifically state the relief desired.)

word and lets us have the water and keep their  
word with the original agreement with The City Water of  
Nicholasville, Ky 40366 OR they should at least dig  
& lay a 1" line from the City pipeline to our home w/o ch

Dated at Nicholasville, Kentucky, this 15 day  
(Your City)

of December, 15 2005  
(Month)

Donnie Early Lourey  
(Your Signature) Delores Anne Lourey

(Name and address of attorney, if any)

## 807 KAR 5:001. Rules of procedure.

### Section 12. Formal Complaints.

(1) Contents of complaint. Each complaint shall be headed "Before the Public Service Commission," shall set out the names of the complainant and the name of the defendant, and shall state:

(a) The full name and post office address of the complainant.

(b) The full name and post office address of the defendant.

(c) Fully, clearly, and with reasonable certainty, the act or thing done or omitted to be done, of which complaint is made, with a reference, where practicable, to the law, order, or section, and subsections, of which a violation is claimed, and such other matters, or facts, if any, as may be necessary to acquaint the commission fully with the details of the alleged violation. The complainant shall set forth definitely the exact relief which is desired (see Section 15(1) of this administrative regulation).

(2) Signature. The complaint shall be signed by the complainant or his attorney, if any, and if signed by such attorney, shall show his post office address. Complaints by corporations or associations, or any other organization having the right to file a complaint, must be signed by its attorney and show his post office address. No oral or unsigned complaints will be entertained or acted upon by the commission.

(3) Number of copies required. At the time the complainant files his original complaint, he must also file copies thereof equal in number to ten (10) more than the number of persons or corporations to be served.

#### (4) Procedure on filing of complaint.

(a) Upon the filing of such complaint, the commission will immediately examine the same to ascertain whether it establishes a prima facie case and conforms to this administrative regulation. If the commission is of the opinion that the complaint does not establish a prima facie case or does not conform to this administrative regulation, it will notify the complainant or his attorney to that effect, and opportunity may be given to amend the complaint within a specified time. If the complaint is not so amended within such time or such extension thereof as the commission, for good cause shown, may grant, it will be dismissed.

(b) If the commission is of the opinion that such complaint, either as originally filed or as amended, does establish a prima facie case and conforms to this administrative regulation, the commission will serve an order upon such corporations or persons complained of under the hand of its secretary and attested by its seal, accompanied by a copy of said complaint, directed to such corporation or person and requiring that the matter complained of be satisfied, or that the complaint be answered in writing within ten (10) days from the date of service of such order, provided that the commission may, in particular cases, require the answer to be filed within a shorter time.

(5) Satisfaction of the complaint. If the defendant desires to satisfy the complaint, he shall submit to the commission, within the time allowed for satisfaction or answer, a statement of the relief which he is willing to give. Upon the acceptance of this offer by the complainant and the approval of the commission, no further proceedings need be taken.

(6) Answer to complaint. If satisfaction be not made as aforesaid, the corporation or person complained of must file an answer to the complaint, with certificate of service on other parties endorsed thereon, within the time specified in the order or such extension thereof as the commission, for good

cause shown, may grant. The answer must contain a specific denial of such material allegations of the complaint as controverted by the defendant and also a statement of any new matter constituting a defense. If the answering party has no information or belief upon the subject sufficient to enable him to answer an allegation of the complaint, he may so state in his answer and place his denial upon that ground (see Section 15(2) of this administrative regulation).

## 807 KAR 5:001. Rules of procedure.

### Section 15. Forms.

(1) In all practice before the commission the following forms shall be followed insofar as practicable:

- (a) Formal complaint.
- (b) Answer.
- (c) Application.
- (d) Notice of adjustment of rates.
- (2) Forms of formal complaint.
- (3) Form of answer to formal complaint.
- (4) Form of application.
- (5) Form of notice to the commission of adjustment of rates

Before the Public Service Commission

(Insert name of complainant)  
Complainant

vs.

(Insert name of each defendant)  
Defendant

)  
)  
) No. \_\_\_\_\_  
) (To be inserted by  
) the secretary)  
)  
)

COMPLAINT

The complaint of (here insert full name of each complainant) respectfully shows:

(a) That (here state name, occupation and post office address of each complainant).

(b) That (here insert full name, occupation and post office address of each defendant).

(c) That (here insert fully and clearly the specific act or thing complained of, such facts as are necessary to give a full understanding of the situation, and the law, order, or rule, and the section or sections thereof, of which a violation is claimed).

WHEREFORE, complainant asks (here state specifically the relief desired).

Dated at \_\_\_\_\_, Kentucky, this \_\_\_\_\_ day  
of \_\_\_\_\_, 19 \_\_\_\_\_.

\_\_\_\_\_  
(Name of each complainant)

\_\_\_\_\_  
(Name and address of attorney,  
if any)



Complaint nbr: 200503615 Entry Date: 11/23/05 Closed Date: 11/30/05 Type Contact: Hotline

Name: Lowry, Delores

Utility: Jessamine-South Elkhorn Water

Address: 2025 Chrisman Mill Rd.

Utility Nbr: 24300

Location: Residence

Utility Type:

Nicholasville KY 40356

Complaint Reasons: Refusal to provide service (Don't know)

County: Jessamine

(none) ((none))

Home: 859-887-9418

Work:

Complaint referred by:

Fax:

CBR Nbr:

EMAIL:

Contacted Utility? ☒ Spoke with: Tommy Smith

Cust Relations: None

Utility Contact: Glen Smith

Utility Contact's Telephone: 859-881-0589

Preliminary Description:

Other Contacts:

refusal to provide service

Processor Name: GEOGHEGAN

See File ☐

Case Related ☐

Staff Referral ☐

Confidential ☐

Customer Yes ☐

Info Only ☐

Formal Forms ☒

Ref to Util ☒

Satisfied? No ☒

\*\*\*\*\*

PSC Narratives:

Investigator: GEOGHEGAN

Date: 11/23/2005 10:14:51

Customer says she has requested water service at this address but the water district is refusing to provide it.

Date: 11/30/2005 15:03:30

Note: response was delayed due to the failure of the water district to provide the PSC with up-to-date contact information. Email address has changed to:  
jessaminesouth@alltel.net.

Date: 11/30/2005 16:17:08

According to the customer, he is in the water district's service territory. Formal complaint form requested.

\*\*\*\*\*

Utility Responses:

Contact date: 11/30/2005 16:10:04 Util. Representative:

This property is not in our territory. They would be served by the City of Nicholasville.

For the record - I notified PSC in our annual report of our new email address. This happened because of the fire we had at the end of Dec 2004.

2025 Chelamne Mill.  
Nicholsville, Ky 40356

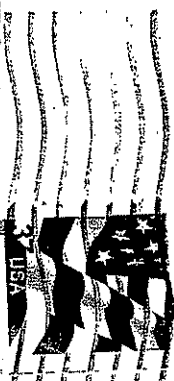
John Jackson

P.O. Box 615

Frankfort, Ky 40602



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PUBLIC SERVICE  
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